

Remarks

Applicants thank the Examiner for confirming via phone on October 17, 2005, that the restriction requirement does not claim a typographical error in the grouping of the claims.

Restriction Requirement

I. Election With Traverse

Applicants elect Group II, Claims 2, 8, 12 and 14 with traverse.

II. Basis For Traverse

According to MPEP § 803, a restriction requirement between patentably distinct inventions is only proper when

- 1.) The inventions are independent or distinct; and
- 2.) There is a serious burden on the Examiner if restriction is not required.

A rebuttable prima facie showing of a serious burden can be made if the Examiner shows by appropriate explanation either separate classification, status in the art, or a different field of search as defined in MPEP § 808.02.

Here, the Restriction Requirement contends that the invention of Groups I and II-VI are distinct and the inventions of Groups II-VI are unrelated for reasons of record.

Applicants respectfully contend that there is no undue burden as an art search for any of Groups I-VI would be expected to yield the art that is pertinent to the patentability of each of Groups I-VI. As a result of the foregoing, Applicants respectfully request that the present restriction requirement be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of this application and allowance of the Claims 1-17.

Respectfully submitted,
Showell et al.

By _____

James F. Mc Bride
Attorney for Applicant(s)
Registration No. 43,784
(513) 627-0079

October 28, 2005
Customer No. 27752